

United States of America
District of Massachusetts
Boston Division

FILED
CLERK'S OFFICE
2005 MAR 15 P 1:21

Case No. As Related of Court Records Relating
To Joseph Marion Head Junior Reg. Number
17549-056, Respondent.

Motion For A Hearing Pursuant To The
Provisions of 18 U.S.C. 4245(h) and
28 U.S.C. 2241.

Comes now Joseph Marion Head Junior
Reg. No. 17549-056 who himself pro se
respectfully moves the court for the
hearing aforesaid pursuant to the aforesaid
laws and further pursuant to the Constitution
and Human Rights, as relates and applies
hereto.

Background of Movant
And of His State and Federal Court Cases
Etc. Relating Thereto And Hereto.

Movant does not have a copy of the
records, etc relating to the aforesaid
and thus moves the court to order
the United States to fully relate the
aforesaid to the court and Respondent
in a timely reply hereto, to include
all processes etc. relating to same and
all related and asserted therein and asks
for and demanded.

Appoint Counsel Hereto, 18 U.S.C. 30006A.
Joseph Marion Head Junior 3-14-05

Restricted Spending Limit: \$0.00
Restricted Expended Amount: \$0.00
Restricted Remaining Spending Limit: \$0.00
Restriction Start Date: N/A
Restriction End Date: N/A

Item Restrictions

List Name	List Type	Start Date	End Date	Userid	Active
-----------	-----------	------------	----------	--------	--------

Comments

Comments:

United States District Court
For The District of Massachusetts
Boston Massachusetts Division

Joseph Marion Head junior
VS
State Of North Carolina
And David L. Winn

FILED
IN CLERKS OFFICE

Case No. 05-259
Related
of Court Records
U.S. DISTRICT COURT
DISTRICT OF MASS

Motion For Appointment of Counsel

Now Comes Joseph Marion Head junior 17549
05-6 movant herein, who himself pro
se respectfully moves this court for
appointment of counsel in the above cause,
18 U.S.C. 30006A and sub sec.,.

Further order the aforesaid to file a
respond etc timely or judgment of
Default enter by this court against them.

See all records etc of the First Cir.
U. App. That relates to movant herein.

Speedy Reply Requested Etc.

Joseph Marion Head junior 3-25-05

Outstanding Negotiable Instruments: \$0.00
Administrative Hold Balance: \$0.00
Available Balance: \$408.02
National 6 Months Deposits: \$848.80
National 6 Months Withdrawals: \$419.18
National 6 Months Avg Daily Balance: \$23.25
Local Max. Balance - Prev. 30 Days: \$552.13
Average Balance - Prev. 30 Days: \$109.69

Commissary History

Purchases

Validation Period Purchases: \$78.95
YTD Purchases: \$292.17
Last Sales Date: 2/28/2005 11:43:41 AM

SPO Information

SPO's this Month: 0
SPO \$ this Quarter: \$0.00

Spending Limit Info

Spending Limit Override: No
Weekly Revalidation: No
Spending Limit: \$290.00
Expended Spending Limit: \$56.75
Remaining Spending Limit: \$233.25

Commissary Restrictions

Spending Limit Restrictions

United States Court Appeals
For the First Circuit

Joseph Marion Heas Junior
Plaintiff Appellant
VS

As Related of This Courts Records
And of The District Court Records
And All Other Court Records
See Records of Clerk of Each Court For The
Case File Numbers of Each Court

Motion For Leave To Proceed In Forma Pauperis
Or For To Pay Cost of Filing Fees & n
Payments, As To Each Case, As Was
Done & n Some of The Cases Alrea

The Courts should have done this
prior, instead of dismissing etc. a
related of each courts court records
relating to the Plaintiff Appellant hereof.
That was to afford due process and equal
protection of Law, Constitution and Human Right
To not do so prior was a violation
of said laws, rights, etc. . . 18 U.S.C. 120,
Amendment 1, 5, 14, etc. as applies hereto.

Signed, Joseph Marion Heas Junior 17549-05
3-1-05

Inmate Inquiry

Inmate Reg #: 17549056 **Current Institution:** Devens FMC
Inmate Name: HEAD, JOSEPH **Housing Unit:** N SOMP
Report Date: 03/01/2005 **Living Quarters:** N05-527L
Report Time: 3:38:59 PM

[General Information](#) |
 [Account Balances](#) |
 [Commissary History](#) |
 [Commissary Restrictions](#) |
 [Comments](#)

General Information

Administrative Hold Indicator: No

No Power of Attorney: No

Never Waive NSF Fee: No

Max Allowed Deduction %: 100

PIN: 5438

FRP Participation Status: ExemptTmp

Arrived From:

Transferred To:

Account Creation Date: 2/15/2002

Local Account Activation Date: 7/1/1991

Sort Codes:

Last Account Update: 3/1/2005 1:39:56 PM

Account Status: Active

ITS Balance: \$0.00

FRP Plan Information

FRP Plan Type	Expected Amount	Expected Rate
---------------	-----------------	---------------

Account Balances

Account Balance: \$429.62

Pre-Release Balance: \$0.00

Debt Encumbrance: \$21.60

SPO Encumbrance: \$0.00

Other Encumbrances: \$0.00

United States Court of Appeals For the First Circuit

No. 05-1050
DC No. 04-cv-40103

JOSEPH MARION HEAD, JR.
Petitioner - Appellant

v.

UNITED STATES; DAVID L. WINN; STATE OF NORTH CAROLINA
Respondents - Appellees

FINAL ORDER OF DEFAULT AND INTENT TO DISMISS

Entered: February 25, 2005

On February 2, 2005, this court entered an order directing the appellant to either pay the docketing fees of \$255.00 or to file a compliant request for in forma pauperis status before the district court. The appellant was directed to respond to this court regarding the outstanding fee issue on or before February 16, 2005.

To date, no response has been received. The appellant is presently in default. The appellant is directed to either pay the docketing fees or to file a compliant request for in forma pauperis status in the above noted case number before the district court on or before March 11, 2005, and to inform this court in writing. A compliant request before the district court consists of a motion to proceed on appeal in forma pauperis, a fully completed form 4 and an attached inmate account statement. A copy of Form 4 is included to the appellant.

Failure to take action regarding the outstanding fee issue on or before March 11, 2005, may result in this appeal being dismissed for lack of prosecution pursuant to Local Rule 3.

By the Court:

Richard Cushing Donovan, Clerk

By: MARGARET CARTER
Chief Deputy Clerk

[cc: Messrs. Head, Cooper, Sullivan]

The aforesaid was timely sent to the court. As to why not received, I do not know.
Joseph Marion Head Junior 17549-056 - 3-1-05

2. After the initial partial filing fee is paid in full, pursuant to 28 U.S.C. §1915(b)(2) and the consent form executed by appellant, appellant's custodian is directed to calculate and remit each succeeding month on a continuing basis 20% of the preceding month's income credited to appellant's account, but only when the amount in the account exceeds \$10, until the full \$255 filing fee is paid. **Each payment shall reference the docket number of this appeal and the district court docket number and be paid to the district court.**

3. Appellant's custodian shall notify this court and the Clerk of the United States District Court if the appellant is transferred to another institution or released.

4. A copy of this order shall be sent to appellant's custodian and to the Clerk of the United States District Court for the District of Massachusetts. A copy of appellant's authorization shall be sent to the custodian.

For the court, by direction,

Richard Cushing Donovan, Clerk

JULIE GREGG

By: _____
Operations Manager

[Certified copy to William Ruane, Acting Clerk of the USDC of MA,
and John Collantis, Unit Manager, FMC Devens,
cc: Messrs. Head, Cooper, Sullivan]

**Affidavit to Accompany
Motion for Leave to Appeal in Forma Pauperis**

District Court No. 04-CV-40103
Appeal No. 05-1050

v.

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed:

Joseph Marion Head Junior

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: Feb. 28th 2005

My issues on appeal are:

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
<u>Institutional job</u> Employment	\$ <u>N/A</u>	\$ <u>N/A</u>	<u>Divorced</u> \$ <u>N/A</u>	<u>Divorced</u> \$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>

United States Court of Appeals
For the First Circuit

No. 05-1048
DC No. 04-cv-40089

JOSEPH MARION HEAD, JR.
Plaintiff - Appellant

v.

UNITED STATES; DAVID L. WINN, Warden, Federal
Medical Center, Devens; STATE OF NORTH CAROLINA
Defendants - Appellees

ORDER OF COURT
Entered: February 4, 2005

The appellant listed above is a prisoner seeking to appeal in forma pauperis and has applied to proceed without prepayment of the \$105 filing fee under the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(a)(2). Appellant has completed and filed a consent form permitting appropriate prison officials to calculate and collect in installments the \$255 filing fee from appellant's prison trust account in accordance with the terms of 28 U.S.C. §1915(b)(1) and (2).

1. Pursuant to the consent form signed by the appellant, the custodian of this appellant's inmate trust account is directed to calculate, collect and forward to the Clerk of the United States District Court for the District of Massachusetts, as payment for the initial partial filing fee under 28 U.S.C. §1915(b)(1), 20% of the greater of:

(a) the average monthly deposits to the inmate trust account; or

(b) the average monthly balance in the inmate trust account, for the 6 months immediately preceding the filing of the notice of appeal on November 18, 2004. That sum should be deducted from appellant's prison account until the initial partial filing fee is paid.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Gifts <i>From Brother</i>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
	<i>See V.A. Records</i>	<i>See V.A. Records</i>		
Disability (such as social security, insurance payments)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): <i>V.A.</i>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Total Monthly income:	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>

See Prison Trust Fund Records

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
<i>N/A</i>			
<i>N/A</i>	<i>I Have Been Locked Up Over 30 years</i>		
<i>N/A</i>			

3. List your spouses's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
<i>N/A</i>			
<i>N/A</i>	<i>Divorced For Over 30 years</i>		
<i>N/A</i>			

under states Court of Appeals
For The First Circuit
No. 05-1048-DC No. 04-CV-40989

Joseph Marion Head Junior
Plaintiff - Appellant
VS

United States, David L. Winn, Warden, Federal
Medical Center, Reidsville, State of North Carolina
Defendants - Appellees

Order of Court Entered February 4, 2005

Motion For Appointment of Counsel
To Represent The Appeal In The
Above Entitled Cause.

Now Comes Joseph Marion Head Junior,
Plaintiff - Appellant aforesaid, who himself
pro se respectfully moves the court for
appointment of counsel for the purpose afo-
resaid, 18 U.S.C. 3605b(4) and Due Process
re: applies and a may be applied hereto.

Respectfully Presented On this the
12th. day of Feb. 1905.

175-9-056 *Spizella monticola* *Spiz.* *Sp.*

N-2 Cell 219, F. A. Med. Center - Derens, Post office Box
877 Hye - - " - - - - - 01432

Date This Packet Mailed, Feb. 7th. 2005

4. How much cash do you and your spouse have? \$ See Prison Trust Fund

Below, state any money you or your spouse have in bank or other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
<u>F.M.C. Stevens</u>	<u>Prison</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Motor Vehicle #1	(Value)
<u>None</u>		<u>None</u>		Make & year: <u>None</u>	
_____		_____		Model: _____	
_____		_____		Registration#: _____	
Motor Vehicle #2	(Value)	Other assets	(Value)	Other assets	(Value)
Make & year: <u>None</u>		<u>See Prison Trust Fund</u>			
Model: _____		_____		_____	
Registration#: _____		_____		_____	

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>See All My Court Records</u>		<u>N/A</u>
<u>and Prison Records and</u>		<u>N/A</u>
<u>Tort Claims</u>		<u>N/A</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>NONE</u>		
_____	_____	_____
_____	_____	_____
_____	_____	_____

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 05-1048

JOSEPH MARION HEAD, JR.

Plaintiff - Appellant

v.

UNITED STATES; DAVID L. WINN, Warden, Federal
Medical Center, Devens; STATE OF NORTH CAROLINA

Defendants - Appellees

ORDER OF COURT

Entered: February 10, 2005

Appellant's motion for appointment of counsel dated February 7, 2005 is moot, given the court's February 7, 2005 order provisionally denying appointment of counsel in appeal no. 05-1048.

By the Court:
Richard Cushing Donovan, Clerk

MARGARET CARTER

By _____
Chief Deputy Clerk

cc: Michael J. Sullivan, USA
Roy Cooper, AAG
Joseph Marion Head, Jr.

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by you, spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly amount.

	<i>All Cost Relating To Prisoners</i> You	<i>Divorced</i> Spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>N/A</u>
Are any real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No	<u>N/A</u>	
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	<u>N/A</u>	
Utilities (electricity, heating fuel, water, sewer, and Telephone)	\$ <u>0</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>N/A</u>
Food	\$ <u>0</u>	\$ <u>N/A</u>
Clothing	\$ <u>0</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>2.05</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>N/A</u>
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in Mortgage payments)	\$ <u>0</u>	\$ <u>N/A</u>
Homeowner's or renter's	\$ <u>0</u>	\$ <u>N/A</u>
Life	\$ <u>0</u>	\$ <u>N/A</u>
Health	\$ <u>0</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Other: <u>V. A.</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in Mortgage payments)(specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Installment payments <u>See Court Records</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Credit card (name): <u>None</u>	\$ <u>0</u>	\$ <u>N/A</u>
Department store (name): <u>None</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other: <u>None</u>	\$ <u>0</u>	\$ <u>N/A</u>

2. After the initial partial filing fee is paid in full, pursuant to 28 U.S.C. §1915(b)(2) and the consent form executed by appellant, appellant's custodian is directed to calculate and remit each succeeding month on a continuing basis 20% of the preceding month's income credited to appellant's account, but only when the amount in the account exceeds \$10, until the full \$255 filing fee is paid. Each payment shall reference the docket number of this appeal and the district court docket number and be paid to the district court.

3. Appellant's custodian shall notify this court and the Clerk of the United States District Court if the appellant is transferred to another institution or released.

4. A copy of this order shall be sent to appellant's custodian and to the Clerk of the United States District Court for the District of Massachusetts. A copy of appellant's authorization shall be sent to the custodian.

For the court, by direction,

Richard Cushing Donovan, Clerk

JULIE GREGG

By: _____
Operations Manager

[Certified copy to William Ruane, Acting Clerk of the USDC of MA,
and John D. Colautti, Unit Manager, FMC Devens,
cc: Messrs. Head, Sullivan]

Alimony, maintenance, and support paid to others

\$ 0

\$ N/A

Regular expenses for business, profession,
or farm (attach detailed statement)

\$

\$ 141.11

Other (specify):

\$ 0

\$ N/A

Total monthly expenses:

\$ N/A

\$ N/A

See Prison and Court Records

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

☒ Yes ☐ No

If yes, describe on an attached sheet.

V.A. Benefits and See Ct. Records and Tort Claims

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? \$

If yes, state the attorney's name, address, and telephone number:

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? \$

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I have been in custody for over 30 years and I believe I am and was kidnaped by judicial processes and or relating thereto. Deprivation of liberty without due process and equal protection and violation of constitutional rights.

United States Court of Appeals
For the First Circuit

No. 05-1049
DC No. 04-cv-40090

JOSEPH MARION HEAD, JR.,
Plaintiff - Appellant,

v.

DAVID L. WINN, Warden, Federal Medical Center, Devens; UNKNOWN
PARTIES, named as Each Governmental Employee Liable
Relating Hereto,
Defendants - Appellees.

ORDER OF COURT
Entered: February 17, 2005

The appellant listed above is a prisoner seeking to appeal in forma pauperis and has applied to proceed without prepayment of the \$255 filing fee under the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(a)(2). Appellant has completed and filed a consent form permitting appropriate prison officials to calculate and collect in installments the \$255 filing fee from appellant's prison trust account in accordance with the terms of 28 U.S.C. §1915(b)(1) and (2).

1. Pursuant to the consent form signed by the appellant, the custodian of this appellant's inmate trust account is directed to calculate, collect and forward to the Clerk of the United States District Court for the District of Massachusetts, as payment for the initial partial filing fee under 28 U.S.C. §1915(b)(1), 20% of the greater of:

(a) the average monthly deposits to the inmate trust account; or

(b) the average monthly balance in the inmate trust account, for the 6 months immediately preceding the filing of the notice of appeal on November 18, 2004. That sum should be deducted from appellant's prison account until the initial partial filing fee is paid.

13. State the address of your legal residence.

None - Appoint Me Counsel

Your daytime phone number: () L.M.C. Derens

Your age: 58 Your years of schooling: G.E.D. In U.S. Army Over
30 years Ago,